

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 TOY INVESTMENTS, INC., a Washington
10 corporation,

11 Plaintiff,

12 v.

13 OZWEST, INC., an Oregon corporation, and
14 PETER CUMMINGS, and JANE DOE
15 CUMMINGS, husband and wife and the marital
16 community comprised thereof, and ZING TOYS,
17 INC., an Oregon corporation,

18 Defendants.

CASE NO. C08-0646-JCC

ORDER

19 This matter comes before the Court on Defendants' Motion to Extend Pretrial Deadlines (Dkt.
20 No. 22), Plaintiff's Response (Dkt. No. 24), and Defendants' Reply (Dkt. No. 26). Defendants request
21 extension of the pretrial deadlines to permit adequate time to complete discovery, pursue settlement
22 negotiations, and schedule mediation. (Mot. 2 (Dkt. No. 22).) Defendants state that Defendant Peter
23 Cummings, owner of Defendant Ozwest Inc., was overseas and unavailable from June 2008, through
24 December 10, 2008. (Reply 3 (Dkt. No. 26).) Defendants assert that due to the unavailability of
25 Cummings, additional time is needed to complete discovery and mediation. (*Id.* at 4.) Plaintiff does not
26 oppose an extension of the mediation deadline, but contends that extension of any other deadlines should
be denied. (Resp. 1–3 (Dkt. No. 24).) Plaintiff asserts that Defendants' motion "seek[s] only to extend

1 their already-expired deadline for amending their counterclaims,” and Plaintiff “sees no reason why
2 Defendants need any additional time to draft their counterclaims.” (Resp. 1 (Dkt. No. 24).)

3 Trial courts have broad discretion in determining whether to continue a deadline. *See U.S. v.*
4 *Flynt*, 756 F.2d 1352, 1358, *amended by* 764 F.2d 675 (9th Cir. 1985). Pursuant to the Federal Rules of
5 Civil Procedure, the Court may grant an extension of a pretrial deadline for “good cause.” FED. R. CIV. P.
6 6(b). The Court also has discretion under the local rules to modify a deadline imposed by the Court’s
7 scheduling order. Local Rules W.D. Wash. CR 16(n)(2).

8 The Court finds that the unavailability of Mr. Cummings, a named defendant and owner of
9 Defendant Ozwest Inc., provides sufficient “good cause” to justify extending some of the deadlines to
10 facilitate discovery and mediation. Accordingly Defendants’ motion (Dkt. No. 22) is GRANTED and the
11 pretrial deadlines are extended as follows. The mediation deadline is extended to April 6, 2009, and the
12 deadline for pleading amendment is extended to March 5, 2009.

13 SO ORDERED this 19th day of February, 2009.

14
15
16
17
18
19
20
21
22
23
24
25
26

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour

UNITED STATES DISTRICT JUDGE